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06   UNITED STATES DISTRICT COURT
                    WESTERN DISTRICT OF WASHINGTON
07   AT SEATTLE

08 VISHAL SINGH UPPAL,   )   C06-0261-JLR-MAT
)
09   Petitioner,   )
)
10   v.   )   ORDER DENYING
)   APPOINTMENT OF COUNSEL
11 MICHAEL CHERTOFF, *et al.*,   )
)
12   Respondents.   )
    _____)

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14   On February 23, 2006, petitioner filed, *pro se*, a Petition for Writ of Habeas Corpus under

15 28 U.S.C. § 2241, challenging his detention by the Bureau of Immigration and Customs

16 Enforcement ("ICE"). (Dkts. #4). Petitioner has subsequently submitted numerous documents

17 in further support of his habeas petition. (*See* Dkts. #8, #9 and #11). On April 13, 2006,

18 petitioner filed a motion for appointment of counsel. (Dkt. #12).

19   The Court, having considered petitioner's motion for appointment of counsel, and the

20 balance of the record, does hereby find and ORDER as follows:

21   (1)   Petitioner's motion for appointment of counsel (Dkt. #12) is DENIED. There is

22 no right to have counsel appointed in cases brought under 28 U.S.C. § 2241 unless an evidentiary

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01   hearing is required, because they are civil, not criminal, in nature. *See Terravona v. Kincheloe*,

02   852 F.2d 424, 429 (9th Cir. 1988); *Brown v. Vasquez*, 952 F.2d 1164, 1168 (9th Cir. 1992), and

03   Rule 8(c) of the Rules Governing Section 2254 Cases in the United States District Courts.

04   Moreover, upon review of the record, it appears that petitioner has been able to successfully

05   articulate his claims thus far. If the Court later requires an evidentiary hearing, and assuming

06   petitioner meets the indigency requirement, counsel will be appointed.

07   (2)   The Clerk is directed to send a copy of this Order to petitioner, all counsel of

08   record, and to the Honorable James L. Robart.

09   DATED this _18th_ day of _April_, 2006.

11   Mary Alice Theiler
     United States Magistrate Judge

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